

House Bill 1025 (AS PASSED HOUSE AND SENATE)

By: Representatives Keown of the 173rd and Black of the 174th

A BILL TO BE ENTITLED
AN ACT

To create a board of elections and registration for Thomas County and provide for its powers and duties; to define certain terms; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board of elections and registration; to provide for offices and equipment; to provide for contracts with certain municipalities; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

As used in this Act, the term:

- (1) 'Board' means the Thomas County Board of Elections and Registration.
- (2) 'Commissioners' means the Thomas County Board of Commissioners.
- (3) 'County' means Thomas County.
- (4) 'Election,' 'elector,' 'political party,' 'primary,' 'public office,' 'special election,' and 'special primary' shall have the same meanings as ascribed to those words by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

SECTION 2.

Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created a board of elections and registration for Thomas County which shall have jurisdiction over the conduct of primaries and elections and the registration of electors in such county in

26 accordance with the provisions of this Act. Such board shall be known as the Thomas
27 County Board of Elections and Registration.

28 **SECTION 3.**

29 (a) The board shall be composed of three members, each of whom shall be an elector of
30 the county and who shall be appointed by the governing authority of the county.

31 (b) The initial members of the board shall be appointed for terms of office beginning July
32 1, 2010. All members of the board shall be appointed by the Board of Commissioners of
33 Thomas County. The commissioners shall designate one of the initial members to serve
34 for a term ending on December 31, 2012; one of the initial members to serve a term ending
35 on December 31, 2011, and one of the initial members to serve for a term ending on
36 December 31, 2010, and until their successors are duly appointed and qualified. Upon the
37 expiration of each term all subsequent terms shall be for a three-year period. Members of
38 the board will be limited to two full terms.

39 (c) No person who holds or qualifies as a candidate for elective public office shall be
40 eligible to serve as a member of the board during the term of such office, and the position
41 of any member of the board shall be deemed vacant upon such member's qualifying as a
42 candidate for elective public office.

43 **SECTION 4.**

44 (a) The appointment of each member shall be made by the commissioners filing an
45 affidavit with the clerk of the superior court no later than 30 days preceding the date at
46 which such member is to take office stating the name and residential address of the person
47 appointed and certifying that such member has been duly appointed as provided in this Act.
48 The clerk of the superior court shall record each of such certifications on the minutes of the
49 court and shall certify the name of each such member to the Secretary of State and shall
50 provide for the issuance of appropriate commissions to the members within the same time
51 and in the same manner as provided by law for registrars.

52 (b) If the commissioners do not certify in conformity with this Act an appointment to the
53 board within 30 days after the beginning of a term of office or within 30 days after the
54 creation of a vacancy in that office, then the judge of the Probate Court of Thomas County
55 shall immediately fill that vacancy by making the appointment and shall certify it as
56 provided in this section. Any person appointed to fill a vacancy shall serve out the
57 unexpired term of office.

SECTION 5.

Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the governing authority of the county and to the clerk of the Superior Court of Thomas County. Each member shall be subject to removal from the board by the governing authority of the county at any time for cause after notice and hearing.

SECTION 6.

Except as provided in subsection (b) of Section 4 of this Act, in the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, the commissioners shall appoint a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 7.

Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for registrars. Each member of the board shall have the same privileges from arrest as registrars.

SECTION 8.

On July 1, 2010, the elections superintendent of Thomas County and the board of registrars of Thomas County shall be relieved from all powers and duties to which the board of elections and registration succeeds by the provisions of this Act; and they shall deliver thereafter to the chairperson of the board, upon his or her written request, custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. At such time, the board of registrars in Thomas County shall stand abolished.

SECTION 9.

The board shall be authorized and empowered to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of the elections supervisor, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. Every year the board shall elect one of its members to serve as chairperson for a one-year term.

SECTION 10.

The board may hold regular meetings at the county courthouse or such other location as the board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after notification of the time and place of the holding of such meeting has been communicated in writing to the elections supervisor, who shall provide public notice of the meeting as required by law. All meetings of the board of whatever kind shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings.

SECTION 11.

There shall be a full-time elections supervisor to administer and supervise the conduct of elections and primaries and the registration of electors of the county. The board shall act within 60 days of its members taking office under this Act, or of the date of any vacancy in such position, to submit and recommend for the position one to three names of qualified individuals to the county manager, who shall hire an elections supervisor based on a job description drawn by the board. The county manager may either hire one of the candidates submitted and recommended by the board or the county manager may reject all the candidates submitted and recommended by the board and hire another qualified candidate. The elections supervisor shall be deemed a county department head and shall not be eligible to serve as a member of the board. The elections supervisor shall be considered a county employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and other purposes. As a county department head, the elections supervisor shall be subject to direction, evaluation, and corrective action by the county manager.

SECTION 12.

The elections supervisor shall be authorized to employ such full-time and part-time employees, including poll workers, as may be deemed necessary by the elections supervisor and as are approved in the annual budget adopted by the governing authority of the county. All such employees shall be considered county employees for purposes of pay, benefits, sick leave, vacation, and other purposes in accordance with policies adopted by the governing authority.

SECTION 13.

With the consent of the governing authority of the county, the board of elections and registration shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and instruct adequately the electors of the county with regard to elections. No material distributed by the

124 board shall contain or express, in any manner or form, any commentary or expression of
125 opinion or request for support for any political issue or matter of political concern.

126 **SECTION 14.**

127 The compensation of the chairperson and other members of the board, the elections
128 supervisor, clerical assistants, and other employees shall be as fixed by the governing
129 authority of the county. Such compensation shall be paid from county funds.

130 **SECTION 15.**

131 The commissioners shall provide the board and the elections supervisor with proper and
132 suitable offices and equipment.

133 **SECTION 16.**

134 The board shall have the authority to contract with any municipality located within Thomas
135 County for the holding by the board of any primary or election to be conducted within the
136 municipality; provided, however, that any such contract must be approved and ratified by the
137 governing authority of the county.

138 **SECTION 17.**

139 (a) For purposes of making initial appointments to the board, this Act shall become
140 effective on the first day of the month following the month in which it is approved by the
141 Governor or becomes law without such approval.

142 (b) For all other purposes, this Act shall become effective on the first day of the second
143 month following the month in which it is approved by the Governor or becomes law
144 without such approval.

145 **SECTION 18.**

146 All laws and parts of laws in conflict with this Act are repealed.